

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

TELEBRANDS CORPORATION,

Plaintiff,

v.

BHSD TRADING LLC,

Defendant.

Civil Action No. 1:23-cv-00225-MAD-CFH

Judge Mae A. D’Agostino
Magistrate Judge Christian F. Hummel

**PLAINTIFF TELEBRANDS CORPORATION’S
NOTICE OF MOTION FOR
DAMAGES, PRE- AND POSTJUDGEMENT INTEREST, AND COSTS**

PLEASE TAKE NOTICE that Plaintiff Telebrands Corporation (“Plaintiff” or “Telebrands”), by and through its undersigned counsel, hereby moves this Court before the Honorable Mae A. D’Agostino, U.S. District Court Judge, for an award of damages, pre- and postjudgment interest, costs and additional relief identified below against Defendant BHSD Trading LLC (“Defendant” or “BHSD Trading”) pursuant to Fed. R. Civ. P. 55(b)(2), Local Rule 55.2(b) and the Court’s Memorandum-Decision and Opinion of October 10, 2023 (Dkt. No. 19) granting Telebrand’s Motion for Default Judgment (Dkt. No. 17).

This Motion is supported by the accompanying Memorandum of Law, Affidavit of Michael J. Zinna and accompanying exhibits, Declaration of Christopher H. Anderson, pleadings and such other evidence and arguments that the Court may consider.

This Court granted Telebrands’ Motion for Default Judgment as to liability and ordered further discovery from Defendant to permit an informed damages award. Dkt. No. 19 at 6, 8. The Court further ordered Telebrands to file its motion for damages upon the completion of damages

discovery. *Id.* at 8. Telebrands accordingly presents this motion for damages pursuant to the Court's order.

WHEREFORE, Telebrands respectfully requests the Court enter the attached Proposed Order against Defendant and order as follows: (1) an award of monetary damages of \$2,924,157.12 to Telebrands; (2) a finding of willful infringement, trebling such monetary damages to \$8,772,471.36; (3) pre-judgment interest of \$2,128,650.23¹ on such trebled damages; (4) costs of \$1,268.70² plus those reasonably accrued in serving this Motion and subsequent Order from the Court on Defendant; (5) post-judgment interest at a rate of 9% per annum from the date of service of the judgment in its favor until paid in full; and (6) that all monies, up to the above-identified trebled damages award, retained in BHSD Trading's financial accounts, including monies held by third party providers, including Amazon, PayPal, Meta, and Shopify, be released to Telebrands to satisfy at least a portion of the damages awarded to Telebrands. Adding the above up, Telebrands respectfully requests a total damages award of \$10,902,390.30 plus post-judgment interest.

¹ This figure reflects prejudgment interest on the requested treble damages that has accrued as of July 26, 2024. Prejudgment interest continues to accrue on this amount at a daily rate of 0.025% or \$2,163.08 per day, representing 9% per annum. Should the Court decline to award treble damages, Telebrands requests prejudgment interest of \$709,550.08, representing the interest accrued as of July 26, 2024. Prejudgment interest continues to accrue on this amount at a daily rate of 0.025% or \$721.03 per day, representing 9% per annum.

² This figure reflects costs accrued prior to service of this motion and subsequent order from the Court regarding this motion. Costs continue to accrue in this matter and Telebrands will submit a full accounting of costs within 30 days of judgment, pursuant to 28 U.S.C. § 1920, Fed. R. Civ. P. 54(d), and Local Rule 54.1.

DATED: July 26, 2024

Respectfully submitted,

/s/Michael J. Zinna

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